

Exhibit 1

Shahir A. Batterjee's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

C.A. No. 03 CV 9849 (RCC)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF SHAHIR A. BATTERJEE

I, Shahir A. Batterjee, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.

2. I have been informed by my attorney that I am a defendant (D67) in the above-captioned action. I am submitting this declaration in support of my Motion to Dismiss for lack of personal jurisdiction and improper service of process.

3. I was born on March 5, 1948 in Jeddah, Saudi Arabia, and have lived in Saudi Arabia all of my life, except for when I was studying at college from the late 1960s to 1970. I have always been a citizen of the Kingdom of Saudi Arabia.

4. I am a businessman, and have worked for Abdulraoof Batterjee & Sons from 1977 to the present. I am not the owner of that company. I became the financial director in 1992. Abdulraoof Batterjee & Sons engages in the retail trade of health care and pharmaceutical

products.

5. I earned a B.A. in Mathematics at Whittier College (California) in 1970. Since that time, I have visited the United States on a number of occasions, initially for vacation visits, and later for combined vacation and business visits relating to the company's retail business. I do not now recall the dates and places of all of my visits, but I have visited New York, Los Angeles, Phoenix, Kansas, San Francisco, and Orlando.

6. I own no real property in the United States. I also have no bank accounts, and have no investments in the United States. The company that I work for sells some products manufactured by several other companies in the United States.

7. I do not subscribe to or read either the *International Herald Tribune* or the *Al Quds al Arabi*. The latter publication, to my knowledge, is banned in the Kingdom of Saudi Arabia.

8. I have never supported the loss of innocent life and believe that there is no justification for the tragic attacks of September 11, 2001. I have never supported any person or organization that I have known to participate in terrorist activities.

9. The Third Amended Complaint in this case has no allegations about me, other than the statement in Paragraph 228 that I and several other individuals were "co-conspirators, aiders and abettors" of the Benevolence International Foundation. I briefly served as a board member of the Benevolence International Foundation, from about 1993 to 1994, but I resigned after the troops from the former Soviet Union withdrew from Afghanistan. I never had any active role as an officer or employee of the Benevolence International Foundation. During the brief period that I was a board member, I did not discuss any issues relating to my service with my cousin, Adel Batterjee. Although I made some donations to the Benevolence International

Foundation when it was located in Saudi Arabia, prior to 1992, I did not do so after it moved to the United States in 1992. I did not have any involvement with the activities of the Benevolence International Foundation that are set forth in the Third Amended Complaint, since those activities did not occur while I was associated with that organization.

10. I can read and understand English.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Shahir A. Batterjee

Executed on the 7 day of April, 2004.